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Proposition 12

#

Title AMENDMENT OF LAWS ADOPTED BY INITIATIVE

Year 1946

Proposition type sca

Popular vote Yes: 1,090,989 (56.9%); No: 827,439 (43.1%)

Pass/Fail Pass

Summary

Adds Section 1b to Article IV of the Constitution. Authorizes the Legislature to propose amendments to, or repeal of, laws enacted by initiative. Provides that such proposed amendment or repeal be submitted to vote of the people for adoption or rejection.

For

Argument in Favor of Senate Constitutional Amendment No. 22

Senate Constitutional Amendment No. 22 is proposed for the purpose of removing an uncertainty in the language of the Constitution as it relates to the initiative.

Section 1, of Article IV, of the Constitution now appropriately declares that no act adopted by the people at the polls under the initiative provisions of that section may be amended or repealed except by a vote of the people, unless otherwise provided in the measure. It is uncertain under the wording of this section whether a proposal to amend an initiative measure may be submitted by the Legislature to the people for their consideration. Therefore it is proposed to amend the Constitution in this respect to provide that the Legislature may enact laws to amend initiative measures, but such laws would only become effective upon their approval by a vote of the people.

The adoption of this amendment will impair no right of the people. It will serve a most useful purpose in that the Legislature may propose to the people amendments to initiative measures that will help keep such measures up to date, and allow initiative laws to function in the light of changing conditions. At the present time, the only way in which an initiative measure may be amended is by another initiative measure. This means the expenditure of large sums of money and great effort in securing sufficient signatures of qualified electors in order to place such an amendment on the ballot for consideration by the people. These provisions are unworkable, as is clearly demonstrated by the fact that initiative measures are rarely if ever amended. The adoption of Senate Constitutional Amendment No. 22 will do away with our present cumbersome methods and will provide an orderly and responsible way in, which amendments to initiative laws may be proposed, and at the same time preserve to the people their primary right to approve or reject all such measures.

The Torrens Land Title Initiative Act adopted in 1914 is a typical example of an initiative measure that did not work as intended. Various defects in the provisions of this act have come to light over the years in cases reaching the California Supreme Court and receiving its consideration. But since this act can be amended only by another initiative, which would require great effort and expense, it lies useless on our statute books and might just as well never have been adopted.

It would seem therefore highly desirable to make clear that the Legislature, without going through the process of amending the Constitution each time, may adopt suitable amendments to initiative measures and submit the same to the voters at the next general election for their approval or rejection. This is exactly what Senate Constitutional Amendment No. 22 does. It merits public support in that it will help make effective our present constitutional provisions relating to the initiative.

FOR(au) Byrl R. Salsman |t Senator, 18th Dist.

FOR(au) H. R. Judah |t Senator, 23d Dist.

Against

Argument Against Senate Constitutional Amendment No. 22

The initiative, the referendum and the recall have long been weapons for the use of our people in a continuous fight to protect the people's interests against predatory interests.

Again and again attempts have been made to destroy or weaken these laws. Senate Constitutional Amendment No. 22 seeks to weaken the initiative by making it possible for the Legislature to change, repeal or weaken any law adopted by vote of our people. The adoption of this measure would result in immediate attempts to repeal or nullify many of the good laws adopted by our people for their own protection.

The argument that these changes must be by vote of the people, at the suggestion of the Legislature does not hold good as there will be constant attempts to lead the unsuspecting voter astray.

The opponents of the people's laws are always on the job. The only safe course for the people to follow is to leave the law as it now is and vote *No* on Senate Constitutional Amendment No. 22.

Against(au) Chris N. Jespersen |t Senator, 29th Dist.

**Text of
Prop.**

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto: therefore, the provisions thereof are printed in **BLACK-FACED[BOLD] TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 1b. Laws may be enacted by the Legislature to amend or repeal any act adopted by vote of the people under the initiative, to become effective only when submitted to and approved by the electors unless the initiative act affected permits the amendment or the repeal without such approval. The Legislature shall be law prescribe the method and manner of submitting such a proposal to the electors.

CODE Added Cal. Const. art. IV, section 1b.